

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CEMTREX, INC.,

Plaintiff,

v.

RICARDO ANTONIO PEARSON, *a/k/a*
RICHARD PEARSON and *JOHN DOES No. 1-10*,

Defendants.

2:17-cv-01258-JS-AKT

ORDER

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Plaintiff Cemtrex, Inc., by its counsel hereby voluntarily dismisses this action, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1).

Despite making seven attempts, Cemtrex has been unable to serve defendant Ricardo Antonio Pearson, a/k/a Richard Pearson ("Pearson"), within the 90-day time limit set forth in Rule 4(m). Given the uncertainty of successful service and the significant expenditure of time and money additional attempts at service will involve, Cemtrex wishes to focus its resources on defending the related putative securities class action litigation resulting from Pearson's false accusations. Cemtrex anticipates that it will prevail in the securities litigation, and reserves the right to re-file its claims against Pearson at that time.

Dated: New York, New York
June 5, 2017

OLSHAN FROME WOLOSKY LLP

By: 

Thomas J. Fleming

Attorneys for Plaintiff

1325 Avenue of the Americas, 15th Floor

New York, New York 10019

(212) 451-2213

The Clerk of the Court is
directed to mark this
case CLOSED

SO ORDERED:	
<u>15/</u>	JOANNA SEYBERT
Joanna Seybert, USDJ	
Dated:	<u>June 12, 2017</u>
Central Islip NY	